

ASSEMBLY COMMITTEE ON EDUCATION

Hon. Gene Mullin, Chair

2007-2008 COMMITTEE RULES

The Committee on Education will operate under the Joint Rules of the Senate and the Assembly, and the Standing Rules of the Assembly. The following Committee Rules are designed to further expedite the conduct of Committee business.

1. COMMITTEE WORKSHEETS

When a bill is referred to the Committee, the Committee Secretary shall forward to the author a Committee worksheet to be completed to assist in the preparation of the Committee analysis. All Committee worksheets shall be returned to the Committee at least fourteen (14) calendar days prior to the scheduled hearing of the bill. If the author fails to promptly return a completed worksheet, then the Chair may refuse to hear a bill, even if the bill has been set; such a set shall be counted against the three sets allowed a bill in Joint Rule 62(a). Worksheets and associated supplementary materials shall be available for review in the Committee office by designated staff of the Vice Chair.

2. SETTING OF BILLS

Pursuant to Joint Rule 62 (a) and (b), a bill may be set (i.e., notice of the hearing published in the Assembly Daily File) for hearing in the Committee only three (3) times. A bill set for hearing that is either not heard at the request of the author or is not heard in order to permit the preparation of amendments shall count against the three sets allowed. If a hearing as set in the File specifically indicates "testimony only", such hearing shall not be counted against the three sets allowed.

3. AUTHOR'S AMENDMENTS PRIOR TO HEARING

(a) Subject to the Joint Rules, substantive author's amendments (Legislative Counsel form) shall not be accepted by the Committee Secretary later than eight calendar days prior to the Committee hearing at which the bill has been set. (Example: No amendments shall be accepted after 5:00 p.m. on the Tuesday one week prior to the Wednesday that the bill is to be heard.) A revised Committee worksheet shall be provided with substantive amendments. An author will provide the signed original and eight (8) copies of the amendments. Under extraordinary circumstances, at the Chair's discretion, amendments may be accepted after this deadline.

4. COMMITTEE ANALYSES

(a) Pursuant to Assembly Rule 56.5, a Committee analysis of each bill set for hearing shall be made available to the public at least one working day prior to the hearing, where a working day is defined as any day on which the Assembly Daily File is

published. In the case of special meetings, the analysis shall be made available to the public at the beginning of the hearing.

(b) Letters of support and opposition must be received in the Committee office by 5:00 p.m. on the Thursday preceding the next hearing in order for the letter to be listed within the analysis. Letters of support and opposition received after this deadline may be listed separate from the analysis as "Late Support and Opposition"; every effort will be made to communicate this listing to members of the Committee. Letters of support and opposition must be received on letterhead or otherwise include the name, mailing address, and telephone number of the organization or individual communicating with the Committee.

5. HEARING AGENDA

(a) Bills set for hearing shall be heard in the order of member sign in, or at the discretion of the Chair. Exception shall be made for bills placed on the Committee's Consent Calendar. Committee members' bills will be heard after non-committee members' bills in file order. When the Chair finds that another order of business is more expedient, measures may be taken up out of order or set as a special order of business. If an author is not present when his or her bill is called, the measure will be passed temporarily.

(b) If a bill is to be presented by someone other than the author, it will be taken up after all authors (including those temporarily "passed over" and committee members) have been accommodated, unless the chair finds that another order is more expedient. Anyone other than the author who is to present the bill must have an authorizing letter from the author.

(c) The Chair may prepare a consent calendar for bills of a non-controversial nature prior to the hearing. Any consent calendar shall include bills that are: (i) expected to receive a unanimous do pass or do pass as amended recommendation from the Committee, (ii) have no registered opposition on file with the Committee, and (iii) have been approved by the authors to be placed on the consent calendar. The Chair may take up the consent calendar at any opportunity convenient to the Committee.

If any Committee member objects, a bill shall be removed from the consent calendar and heard as specified below. If a bill is removed from the consent calendar, a sergeant will call the author's office and the bill will be taken in the order specified in 5(a) and (b) above. A bill removed from the consent calendar will be allotted a total of 10 minutes for presentation and testimony. Not more than an additional five minutes will be allocated for discussion of the measure among Committee members, unless that time is extended by the affirmative vote of a majority of the Committee membership.

(d) The Chair may prepare a separate calendar of bills for which presentation may be waived. At the Chair's discretion, statements of support or opposition may be presented to the Committee. Each bill on this calendar shall be voted on separately by a roll call vote. If any Committee member objects, or if the author of a bill approved for inclusion on the calendar chooses not to waive presentation, the bill shall be removed from the calendar, a sergeant will call the author's office, the bill will be taken in the order specified in 5(a) and (b) above, and the bill shall be presented to the Committee. If the author or authorized designee is not available to present the bill in that hearing, then

the bill shall be set for another hearing and the set shall not count against the three sets allowed the bill.

(e) The Committee, at the discretion of the Chair, will seek to consolidate related subject matter into a single legislative proposal whenever appropriate.

6. MEETING AND QUORUM

(a) A majority of the Committee membership shall constitute a quorum; a quorum is necessary to take action or to adopt amendments. Whenever one or more Committee members is disqualified from taking any action on a bill pursuant to the Joint Rules, a quorum shall consist of a majority of the remaining qualified members of the Committee. A member shall advise the Chair of any such disqualification at the beginning of the hearing. If a quorum is not present, the Chair may start or continue the hearing as a subcommittee, subject to both Assembly and Joint Rules.

(b) In the absence of the Chair, or when the Chair is presenting a bill, the Vice Chair shall preside. In the absence of both the Chair and the Vice Chair, another member designated by the Chair shall preside. Any member having to leave the committee for any reason shall advise the chair where the member can be reached.

(c) The Chair, when appropriate, shall limit individual witness testimony and/or the number of witnesses; such restrictions shall apply equally to both proponents and opponents of a bill.

7. SUSPENSE FILE

(a) Any bill, resolution, or constitutional amendment originating in the Senate and estimated to generate a fiscal effect of \$150,000 or more will be moved to the Suspense File of the Committee, without prejudice, for further consideration.

(b) Bills may be amended after being placed and while on the Suspense File. Any amendments proposed or accepted by the author of a bill that is moved to the Suspense File must be submitted no later than eight calendar days prior to the Committee hearing at which the Suspense File will be heard. Failure to meet this deadline will result in that bill not being considered for passage off the Suspense file.

(c) Authors should present all testimony at the time of the first regularly scheduled hearing on a bill, even though the bill's provisions indicate that a referral to the Suspense File under the rules of the Committee is in order. No testimony shall be taken during the Committee hearing while the Suspense File is being heard.

(d) Notwithstanding section 7(a) of these rules, and in order to expedite the business of the house, at the discretion of the Chair, the Committee may not move bills to the Suspense file during any Committee hearing held within three weeks before adjournment for Interim Study Recess or Final Recess.

8. VOTING

(a) Voting in the Committee shall be conducted pursuant to Joint Rules 62(c) and (d), and to Assembly Rule 58.5 and 68.5. Upon conclusion of a roll call vote, absent a request to place a bill on-call, the vote shall be announced. A motion to "hold in Committee" or to "table" requires a second, shall be put to the Committee without

discussion, and requires an affirmative vote by a majority of the Committee membership.

(b) Prior to announcement of the vote, upon the request of the author or any member of the Committee, the Chair shall announce that the bill subject to a vote will be placed on-call for a period of time not to exceed the adjournment of the Committee meeting. Absent extraordinary circumstances a vote on a bill that is on-call shall not be permitted when testimony is being taken. The Chair shall announce the time or times when the roll shall be opened and any vote on a bill that is on-call may be cast. If a motion is adopted to adjourn the Committee while the Committee is operating under a call, the call shall be dispensed with and any pending vote announced.

(c) After the final vote on a motion is announced, any member may change or add a vote before adjournment of the hearing unless the change or addition would alter the announced outcome of the vote.

(d) Pursuant to Assembly Rule 59, the Committee may decide not to give a bill a do pass recommendation, but instead refer the subject matter of the bill to the Rules Committee for study. The Committee may, however, subsequently reconsider and act on the bill. A motion to "hold in Committee" or to "table" requires a second, shall be put to the Committee without discussion, and requires an affirmative vote by a majority of the Committee membership. Any motion from the Chair made "without objection" does not require a second; however, upon objection by any member, such motion will be automatically withdrawn.

(e) Reconsideration of a bill, pursuant to Joint Rule 62(a), may be granted only once. A reconsideration vote cannot be taken without the same notice required to set a bill, unless it is taken at the same meeting at which the bill failed passage and the author is present. If reconsideration is granted, the Committee may vote on the bill immediately if the author is present or may postpone the vote until the next regular hearing. Authors seeking reconsideration after the hearing at which the bill failed passage shall notify the Committee Secretary in writing in sufficient time for the required notice to be published in the file and for the Committee to take action within 15 days of the initial defeat of the bill. If the motion for reconsideration or the vote on the bill after the granting of reconsideration fails, the bill shall be immediately returned to the Chief Clerk. At the discretion of the Chair, additional testimony may be permitted on a bill that has been granted reconsideration.

9. WORKING GROUPS

The Chair, subject to the approval of the Speaker, may create Working Groups for the study and discussion of particular subject matters. These Working Groups will provide for informational meetings where members may discuss issues and otherwise interact with experts in the field. Working Groups shall be responsible for periodically reporting back to the full Committee.

10. REVIEW OF ADMINISTRATIVE REGULATIONS AND POLICIES

(a) The Chair may assign staff or other resources of the Committee to review any proposed or existing rules, regulations, guidelines, advisories, policies, or practices of the State Department of Education or any other agency or program that affects, directly

or indirectly, any education program or organizational entity, to determine whether those rules, regulations, guidelines, advisories, policies, or practices are consistent with state or federal law to the full extent and scope of the Committee's jurisdiction.

(b) Any rules, regulations, guidelines, advisories, policies, or practices determined by assigned staff to be inconsistent with state or federal law may be placed on the Committee's agenda for appropriate action to the full extent and scope of the Committee's jurisdiction.

11. PILOT PROJECTS

Any bill that proposes the creation of a pilot project shall contain a statement of purpose of the proposed pilot project which specifically states the goals or objectives and the length of time of the project. Such bill shall also contain a definitive mechanism by which the value and success, if any, of the project may be quantified. This mechanism shall include specific numerical objectives that must be met or exceeded, if a project is to be judged successful, and a suggested time line. Precise cost projections and methods by which costs or savings may be calculated shall be provided on the Committee worksheet.